

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Michael A. Zurat
Jennifer M. Zurat
Debtor(s)

Bankruptcy Case No.: 20-20442-CMB
per 3/16/2020 proceeding
Chapter: 13
Docket No.: 24 - 7
Concil. Conf.: August 6, 2020 at 11:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated 2/5/2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Aug. 6, 2020 at 11:30 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel. The secured claim of the following creditor shall govern as to claim amount, to be paid at interest of 4.5% in a monthly amount to be determined by Trustee to pay in full: Huntington Nation Bank (CL#1)

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: March 23, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Michael A. Zurat
 Jennifer M. Zurat
 Debtors

Case No. 20-20442-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dsaw
 Form ID: 149

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 Total Noticed: 29

Date Rcvd: Mar 23, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 25, 2020.

db/jdb	+Michael A. Zurat, Jennifer M. Zurat, 1012 Temple Road, Monaca, PA 15061-2844
15202202	+ACAR Leasing LTD, d/b/a GM Financial Leasing, PO Box 183853, Arlington TX 76096-3853
15195979	+American Express, PO Box 981537, El Paso, TX 79998-1537
15217982	American Express National Bank, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
15195980	+Banco Popular, 209 Ave Ponce de Leon, San Juan, PR 00917-1818
15195983	+Capital One/Cabelas, PO Box 3021, Salt Lake City, UT 84110-3021
15216477	+JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A., c/o Robertson, Anschutz & Schneid, P.L., 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
15195990	+Mr. Cooper, 8950 Cypress Waters Blvd, Coppell, TX 75019-4620
15220996	+Nationstar Mortgage LLC d/b/a Mr. Cooper, P.O. Box 619096, Dallas, TX 75261-9096
15195993	THD/CBNA, P O Box 6497, Sioux Falls, SD 57117-6497
15203341	THE HUNTINGTON NATIONAL BANK, PO BOX 889424, CLEVELAND, OH 44101-8539
15195995	+Wells Fargo Auto, PO Box 997517, Sacramento, CA 95899-7517
15219768	+Wells Fargo Bank N.A., d/b/a Wells Fargo Auto, PO Box 130000, Raleigh NC 27605-1000

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr	+E-mail/Text: kbarkley@bernsteinlaw.com Mar 24 2020 02:45:16 Duquesne Light Company, c/o Bernstein-Barkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
cr	+E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 24 2020 02:53:23 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15195981	+E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 24 2020 02:52:24 Capital One, PO Box 30281, Salt Lake City, UT 84130-0281
15195982	E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 24 2020 02:53:28 Capital One, PO Box 71083, Charlotte, NC 28272-1083
15214914	E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 24 2020 02:53:28 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
15195984	+E-mail/Text: bankruptcy@clearviewfcu.org Mar 24 2020 02:44:52 Clearview Federal Credit Union, 8805 University Blvd., Coraopolis, PA 15108-4212
15195985	+E-mail/PDF: creditonebknofications@resurgent.com Mar 24 2020 02:52:50 Credit One Bank, PO Box 98872, Las Vegas, NV 89193-8872
15195986	+E-mail/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM Mar 24 2020 02:44:36 GM Financial, PO Box 183834, Arlington, TX 76096-3834
15195987	+E-mail/Text: bankruptcy@huntington.com Mar 24 2020 02:44:51 Huntington National Bank, PO Box 1558, Columbus, OH 43216-1558
15195988	E-mail/PDF: ais.chase.ebn@americaninfosource.com Mar 24 2020 02:52:22 JPMCB Card Services, PO Box 15369, Wilmington, DE 19850
15221372	E-mail/PDF: resurgentbknofications@resurgent.com Mar 24 2020 02:52:20 LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
15195989	+E-mail/Text: bk@lendingclub.com Mar 24 2020 02:45:07 LendingClub Corporation, 71 Stevenson Street, Suite 300, San Francisco, CA 94105-2985
15195991	+E-mail/PDF: gecsedirecoverycorp.com Mar 24 2020 02:52:15 Paypal Credit Services, PO Box 960006, Orlando, FL 32896-0006
15195992	+E-mail/PDF: gecsedirecoverycorp.com Mar 24 2020 02:52:45 SYNCB/PPMC, PO Box 965005, Orlando, FL 32896-5005
15196368	+E-mail/PDF: gecsedirecoverycorp.com Mar 24 2020 02:52:14 Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15195994	+E-mail/Text: bnc-bluestem@quantum3group.com Mar 24 2020 02:45:09 WebBank, 215 South State Street, Suite 1000, Salt Lake City, UT 84111-2336

TOTAL: 16

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Nationstar Mortgage LLC d/b/a Mr. Cooper

TOTALS: 1, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0315-2

User: dsaw
Form ID: 149

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Total Noticed: 29

Date Rcvd: Mar 23, 2020

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 25, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 23, 2020 at the address(es) listed below:

Brian C. Thompson on behalf of Debtor Michael A. Zurat bthompson@ThompsonAttorney.com,
blemon@thompsonattorney.com;mgillespie@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@
hompsonattorney.com;mswenson@thompsonattorney.com;jcastello@thompsonattorney.com
Brian C. Thompson on behalf of Joint Debtor Jennifer M. Zurat bthompson@ThompsonAttorney.com,
blemon@thompsonattorney.com;mgillespie@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@
hompsonattorney.com;mswenson@thompsonattorney.com;jcastello@thompsonattorney.com
James Warmbrodt on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper
bkgroup@kmlawgroup.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 6